

Ordinance No. 980

AN ORDINANCE to amend and reordain Section 28-15, Article I, Chapter 28 of The Code of the City of Alexandria, Virginia, 1953, as amended, which Section 28-15 relates to SIDEWALK CROSSOVERS AND CURB CUTS GENERALLY, which Article I relates to STREETS AND SIDEWALKS IN GENERAL, and which Chapter 28 relates to STREETS AND SIDEWALKS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 28-15, Article I, Chapter 28 of The Code of the City of Alexandria, Virginia, 1953, as amended, be and the same hereby is amended and reordained to read as follows:

SEC. 28-15 SIDEWALK CROSSOVERS AND CURB CUTS GENERALLY

No person shall establish, build, construct, reconstruct, repair or alter any curb cut or sidewalk crossover within the public right of way or on the public streets in the City without first having obtained a written permit from the City as provided in this section.

Persons seeking a permit shall make application to the Director of Public Works who, if the crossover or curb cut appears to be no greater in width than 40 feet at the curb line, shall forward a copy of such application to the Director of Traffic. As soon as reasonably possible thereafter, the Director of Public Works and the Director of Traffic shall study the proposed crossover or curb cut and forward their findings and recommendations to the City Manager. The City Manager shall approve the application and issue a written permit for construction only when he finds:

- (a) That the location and operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and means of egress to and from adjacent properties.
- (b) That the health, welfare and safety of the public will not be unreasonably impaired.
- (c) That such crossover or curb cut is of proper width under existing conditions and circumstances and does not exceed a width of forty feet at the curb line.
- (d) That the plans comply with the standard specifications of the City for public work of like character.
- (e) That the costs of construction as estimated by the Director of Public Works have been paid for, by the applicant.

No crossover or curb cut shall be of a greater width than forty feet at the curb line except in instances where the abutting property is zoned and used for commercial or industrial purposes and the crossover or cut is so constantly used by large trailer

trucks, that an unusual condition is created. In such instances, the Director of Public Works shall forward the application to the Traffic and Parking Board. After a hearing is had before the board, the board shall forward its recommendation on the application to the City Council. The City Council shall conduct a full and impartial hearing on each application, and it may approve or deny the issuance of a permit, provided, however, no such permit shall be issued by the City Manager until the costs of construction, as estimated by said director, have been paid for.

All work on any crossover or curb cut shall be done by the City or a contractor employed by the City and shall be under the direction, supervision, and inspection of the Director of Public Works. In case the expense of construction amounts to more than the estimated cost, the applicant shall pay the additional amount to the City, and in case the expense of construction amounts to less than the estimated cost, the City shall refund the excess to the applicant.

Granting of an application under this paragraph shall be considered as vesting no property interests in the applicant. Use of any such crossover and curb cut, either or both, by the applicant or his successor or their patrons shall constitute an agreement by the applicant or his successors, as the case may be, to pay for the maintenance and repair thereof and to indemnify and save harmless the City from any claim for damages to persons or property by reason of the maintenance and use thereof.

In the event the use of any curb cut or sidewalk crossover should or shall be discontinued for a period exceeding twelve months, authority to maintain the same may, at the discretion of the City Manager, be forfeited and the abutting property shall be liable for the cost of restoring the curb, gutter and sidewalk to a condition conforming with the curb, gutter and sidewalk on each side thereof.

The City Manager is hereby empowered to close any sidewalk, crossover or curb cut when the continued use of either or both would constitute a serious menace to the safety of the public by reason of want of repair or for any other reason. If such menace be caused solely by disrepair or need for reconstruction, use of such crossover or curb cut may be continued after repair or reconstruction by the City at the expense of the person for whose convenience or profit the same was permitted.

Section 2. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

LEROY S. BENDHEIM
Mayor

Final Passage: December 30, 1957